

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BELINDA KIRK and J.H., her minor son,)	Case No.: 10-CV-02507-LHK
)	
Petitioners,)	
v.)	MINUTE ORDER AND FURTHER
)	CASE MANAGEMENT ORDER
YOLANDA BALDOVINOS, et al.,)	
)	
Respondents.)	

Clerk: Martha Brown	Reporter: Lee-Anne Shortridge
Petitioner Attorney: Alicia C. Park	
County Respondents Attorney: Mary Ellen Gormley, Manuel Martinez	

A further case management conference was held on December 1, 2010.

The unopposed Motion to Withdraw (Dkt. No. 61) filed by attorney Park is GRANTED. Plaintiff has represented that she has no further funds to pay Ms. Park and consents to her withdrawal. Plaintiff represented that her only income is from Social Security Disability payments.

The Court has referred the Plaintiff to the Federal Pro Bono Project for appointment of pro bono counsel. Plaintiff must contact Rachel Miño at the Pro Bono Project within a week of the date of this Order. Ms. Miño's contact information is:

Rachel Miño, Federal Legal Assistance Self-Help Center
280 S. First St, 4093 San Jose, CA 95113
Telephone: 408-297-1480

FURTHER CASE MANAGEMENT CONFERENCE is set for January 26, 2011, at 2 p.m.

The Court amended the case schedule as follows:

DISCOVERY CUTOFF is moved to May 1, 2011. Discovery shall be stayed until after appointment of counsel for Plaintiff, meaning that no new discovery requests may be served until the parties stipulate to resume discovery, or the Court orders that discovery be resumed. However, parties may still receive responses to outstanding subpoenas to third parties during the discovery stay.

The remaining case deadlines are hereby vacated, and will be reset at a further CMC.

The County Respondents seek entry of an "order sealing the record" in this case, but have not specified which portions of the record or filings are to be sealed. County Respondents shall file an administrative motion to seal whatever portions of the record it believes must be sealed by December 15, 2010.

Furthermore, the County Respondents contend that Plaintiff has no right to a jury trial on her ICWA claims. The County Respondents shall file a statement of authority on this point by December 15, 2010. When counsel for Plaintiff is appointed, Plaintiff's counsel shall have an opportunity to respond.

United States District Court
For the Northern District of California

IT IS SO ORDERED.

Dated: December 2, 2010



LUCY H. KOH
United States District Judge